

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DONALD BANGO and SCOTT BAILEY,
individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

PIERCE COUNTY, WASHINGTON;
PIERCE COUNTY SHERIFF'S
DEPARTMENT,

Defendants.

No. 3:17-cv-06002-RBL-DWC

PLAINTIFFS' MOTION FOR
CLARIFICATION/RECONSIDERATION
AND RELIEF FROM JUDGMENT

NOTE ON MOTION CALENDAR:
MAY 11TH, 2018

I. INTRODUCTION

COME NOW Plaintiffs Donald Bango ("Bango") and Scott Bailey ("Bailey")
(collectively "Plaintiffs"), by and through their below attorneys of records, and request the
Court clarify the Order on Magistrate Judge David W. Christel's Report and Recommendation
[Dkt. #43]. Magistrate Judge Christel recommended granting Defendants Pierce County and
Pierce County Sheriff's Department's (collectively "Defendants") Motion for 12(b)(1)
Dismissal Regarding Administration of Psychiatric Medication to Outgoing Inmates ("Motion

1 to Dismiss”) [Dkt. #41]. In its May 7, 2018 Order, the Court states, “[t]he Report and
2 Recommendation regarding dismissal is **ADOPTED**, and plaintiffs’ *complaint* is
3 **DISMISSED without prejudice**.” See Dkt. #43 at ¶1 (emphasis added). The May 7, 2018
4 Order triggered the issuance of a judgment on May 10, 2018. Dkt. #44. However, the scope
5 of Defendants’ Motion to Dismiss was limited to one issue: whether Plaintiffs have Article III
6 standing to bring their administration of psychiatric medication upon release claim. See Dkt.
7 #27; see also Magistrate Judge Christel’s Recommendation and Report at Dkt. #41. Because
8 Defendants sought no other relief and the Recommendation and Report is limited to one (1) of
9 seven (7) claims raised in the Complaint, Plaintiffs respectfully request that the Court clarify
10 and/or reconsider the Order of May 7, 2018, and provide relief from judgment. Further,
11 Plaintiffs request that the Court clarify that Pierce County Sheriff’s Department remains a
12 Defendant in this action, see Dkt. #39, although the only Defendant listed in the heading of
13 the Court’s May 7, 2018 Order is Pierce County. See Dkt. #43.
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16 II. ARGUMENT

17 “The court may correct a clerical mistake or a mistake arising from oversight or omission
18 whenever one is found in a judgment, order, or other part of the record. The court may do so
19 on motion or on its own, with or without notice.” See Fed. R. Civ. P. 60(a). Further, the court
20 may relieve a party from judgment based on mistake or inadvertence. See Fed. R. Civ. P.
21 60(b). Here, Plaintiffs believe the Court intended to only dismiss the claim that was the
22 subject of Defendants’ Motion to Dismiss, and not the entire Complaint. To that extent,
23 Plaintiffs seek clarification and correction of the May 7, 2018 Order to reflect that only the
24 administration of psychiatric medication upon release claim has been dismissed, and that the
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1 other claims remain before the Court. Further, Plaintiffs seek relief from the judgment
2 triggered by the May 7, 2018 Order. Finally, Plaintiffs seek clarification and correction of the
3 Order to reflect that Pierce County Sheriff's Department remains a Defendant in this action.
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5 **III. CONCLUSION**

6 For the foregoing reasons, Plaintiffs respectfully request the Court clarify and/or
7 reconsider the Order on Defendants' Motion to Dismiss and provide relief from judgment.
8

9 Respectfully submitted this 11th day of May, 2018.

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1 **I. CERTIFICATE OF SERVICE**

2 I hereby certify that on May 11, 2018, I electronically filed the foregoing and the
3 attached *Proposed Order* with the Clerk of the Court using CM/ECF which will send
4 notification of such filing to the following:

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